

SHB 1194 - S AMD 289

By Senator Benton

NOT CONSIDERED 05/25/2011

1 On page 1, after line 8, insert the following:

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3 "Sec. 2. RCW 10.05.010 and 2008 c 282 s 15 are each amended to  
4 read as follows:

5 (1) In a court of limited jurisdiction a person charged with a  
6 misdemeanor or gross misdemeanor may petition the court to be  
7 considered for a deferred prosecution program. The petition shall be  
8 filed with the court at least seven days before the date set for trial  
9 but, upon a written motion and affidavit establishing good cause for  
10 the delay and failure to comply with this section, the court may waive  
11 this requirement subject to the defendant's reimbursement to the court  
12 of the witness fees and expenses due for subpoenaed witnesses who have  
13 appeared on the date set for trial.

14 (2) A person charged with a traffic infraction, misdemeanor, or  
15 gross misdemeanor under Title 46 RCW shall not be eligible for a  
16 deferred prosecution program unless the court makes specific findings  
17 pursuant to RCW 10.05.020 (~~or section 18 of this act~~). Such person  
18 shall not be eligible for a deferred prosecution program more than  
19 once; and cannot receive a deferred prosecution under (~~both~~) RCW  
20 10.05.020 (~~and section 18 of this act~~). Separate offenses committed  
21 more than seven days apart may not be consolidated in a single  
22 program.

23 (3) A person charged with a misdemeanor or a gross misdemeanor  
24 under chapter 9A.42 RCW shall not be eligible for a deferred  
25 prosecution program unless the court makes specific findings pursuant  
26 to RCW 10.05.020. Such person shall not be eligible for a deferred  
27 prosecution program more than once.

1 (4) If a petitioner has successfully completed a deferred prosecution  
2 program under this chapter, no criminal justice agency may disseminate  
3 for any purpose including, but not limited to determination of bail,  
4 any criminal history or court record information pertaining to the  
5 charges underlying the deferred prosecution petition or diversion  
6 program or the fact of the deferred prosecution or diversion program.  
7 For purposes of this subsection, "criminal justice agency" has the  
8 same meaning as provided in RCW 10.97.030."

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14 On page 1, line 1 of the title, after "amending", insert "RCW  
15 10.05.010 and"

EFFECT: The amendment would prohibit any criminal justice agency from disseminating for any purpose including determination of bail, any criminal history or court record regarding a deferred prosecution agreement or diversion program following completion of the requirements of deferred prosecution or diversion program.

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